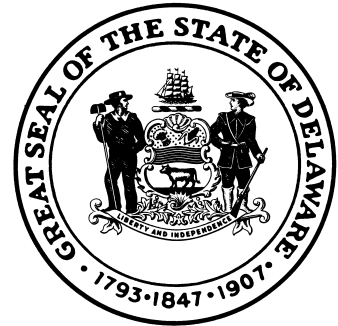




TITLE 16 -- HEALTH AND SAFETY

CHAPTER 69 -- FIREWORKS



§ 6901. Selling or Possessing Fireworks.

No person shall store, sell, offer or expose for sale, or have in possession with intent to sell or to use, discharge or cause to be discharged, ignited, fired or otherwise set in action within this State, any fireworks, firecrackers, rockets, sparklers, torpedoes, Roman candles, fire balloons or other fireworks or substances of any combination whatsoever designed or intended for pyrotechnic display except after having obtained a permit as provided in §. 6903 of the title and also except as provided in §. 6906 of this title. This section shall not apply to any person established and manufacturing fireworks of any or all kinds in this State on September 5, 1939.

The term “fireworks” as used in this chapter, shall mean and include any combustible or explosive composition, or any substance or combination of substances, or article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation and shall include blank cartridges, toy pistols, toy cannons, toy canes or toy guns in which explosives are used, the type of balloons which require fire underneath to propel same, firecrackers, torpedoes, skyrockets, Roman candles, Daygo bombs, sparklers, or other fireworks of like construction and any fireworks containing any explosive or flammable compound, or any caps or tablets or other device containing any explosive substance, except that the term “fireworks” shall not include toy pistols, toy canes, toy guns or other devices in which paper caps manufactured in accordance with the United States Interstate Commerce Commission regulations for packing and shipping of toy paper caps are used and toy pistol paper caps manufactured as provided therein, the sale and use of which shall be permitted at all times. (42 Del. Laws, c. 180, § 1; 16 Del. C. 1953 § 6901; 51 Del. Laws, c. 334, § 1; 52 Del. Laws, c. 275, § 1.)

§ 6902. Discharging Rifle or Other Explosives; Exceptions.

No person shall fire or discharge in or on or into any street, highway, alley or public place in the State any rifle, gun, pistol, revolver, cane, cannon, or other appliance, whether projecting or exploding any bullet, cartridge, blank cartridge, cap (except a cap excluded from the provisions hereof under the definition set forth in S. 6901 of this title) or otherwise or any explosive substance or mixture of chlorates or nitrates. This section shall not apply to peace officers in the regular discharge of their duties as such. Nothing in the section shall be construed to prohibit any person from using explosives in quarrying or for blasting or other industrial use. (42 Del. Laws, c. 180, § 2; 16 Del. C. 1953, § 6902; 52 Del. Laws, c. 275, § 2.)

§ 6903. Permit for Public Display of Fireworks; Actions by Injured Persons.

- (a) Any association or company desiring to hold a public display of fireworks may apply to the State Fire Marshal for a permit to hold such a display if application is made 30 days prior to the date of holding the display.
- (b) The application for a permit shall set forth the date, hour and place of holding such display and place of storing fireworks prior to display, also the name of the person in charge of igniting the fireworks.
- (c) The application shall be accompanied by a bond in the principal sum of \$5,000 payable to the State indemnifying any person who receives or sustains bodily or property injury by reason of any discharge of the fireworks by the applicant or anyone acting for or on the applicant's behalf. Any such person receiving or sustaining injury may sue on the bond in the name of the State to

recover damages for such injury, and the Attorney General shall represent such person in the action.

- (d) If the State Fire Marshal is satisfied that the holding of the display is supervised by a competent and experienced person and that the display will not be a detriment to the community or area in which the display is held, the Marshal may grant a permit for the display. The place of storage of fireworks prior to the display shall be subject to the approval of the State Fire Marshal. (42 Del. Laws, c. 180, § 3; 16 Del. C. 1953, § 6903; 58 Del. Laws, c. 227, §§ 1-3; 61 Del. Laws, c. 301, §§ 1-3; 70 Del. Laws, c. 186, § 1.)

§ 6904. Confiscation of Illegally Stored Fireworks or Explosives.

The State Fire Marshal shall confiscate all fire works or explosives illegally stored within the State. (42 Del. Laws, c. 180, § 4; 16 Del. C. 1953, § 6904; 58 Del. Laws, c. 227, § 4; 61 Del. Laws, c. 301, § 4.)

§ 6905. Penalties; Jurisdiction.

- (a) Whoever violates this chapter shall be fined not less than \$25.00 nor more than \$100.00.
- (b) Justices of the Peace shall have jurisdiction of any violation of this chapter.

(42 Del. Laws, c. 180, § 5; 16 Del. C. 1953, § 6905.)

§ 6906. Agricultural Use.

Nothing in this chapter shall prohibit the importation, sale, purchase or use of fireworks used or to be used solely and exclusively for the purpose of frightening birds from the crops and such importation, sale, purchase or use shall be governed by rules and regulations to be prescribed by the Board of Agriculture. (16 Del. C. 1953, § 6906; 51 Del. Laws, c. 334, § 2.)